Chandka

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6618 OF 2007

Kewal Krishan Haridas Mehra ..Petitioner

versus

Smt. Sanat M. Mehta & Anr. ..Respondents

Mr. P. S. Gidwani for the Petitioner.

Ms. M. Kajale with Ms. S. Pathak i/b. M/s. Pathak Associates for the Respondent No.2.

CORAM : S. A. BOBDE, J.
DATE : 31ST OCTOBER, 2007.

P.C.

. Rule, returnable forthwith. Heard by consent.

2. The learned trial court had passed an order fixing interim standard rent along with permitted increases. Learned counsel for the petitioner points out, rightly, that the trial court has fixed the interim standard rent at Rs.600/- and the amount of interim permitted increases at Rs.2,400/- but has not assigned any reason for the same. Indeed the trial court has not assigned any reason for fixing

the rent. Ms. Kajale learned counsel for the respondent No. 2 submitted that the rent and permitted increases has been fixed by the order impugned at the interim stage and there is no final adjudication.

3. The learned counsel for the petitioner however relies upon the Judgment of this Court in **Bapusaheb Abdulsaheb Mutawali vs. Mohiddin Gulam Dastagir Mumtaj [1998 (1) Mh.L.J. 34]**, where this court observed that even at an interim stage though detailed reasons need not be given, the order must disclose the material on which the court is relying. Being in respectful agreement with the judgment of the Single Judge in that case, I consider it appropriate to set aside the impugned order. The matter is remanded back to the court for fresh decision on the interim application in accordance with the law. Rule made absolute accordingly.

(S.A. BOBDE, J.)